

FACTSHEET

TITLE: **USE PERMIT NO. 04003, Ashley Heights Commercial Center**, requested by Muff-Stettinger, LLC, for authority to develop 93,500 sq. ft. of commercial floor area in the existing B-2 Planned Neighborhood Business District, on property generally located north of W. Huntington Avenue and east of N.W. 48th Street.

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/02/05 and 03/16/05
Administrative Action: 03/16/05

RECOMMENDATION: Conditional approval (9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This is a request to develop 93,500 square feet of commercial floor area in an existing B-2 Planned Neighborhood Business District, on 15.5 acres, more or less, with the following waiver requests:
 - side yard setback;
 - front yard setback;
 - to allow free-standing signs for pad sites to be more than 30' from the building;
 - to allow lots that do not front upon public streets or private roadways; and
 - to eliminate the preliminary plat process.
2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.4-5, concluding that, with conditions, the proposal is in conformance with the Comprehensive Plan, the Zoning Ordinance and the Land Subdivision Ordinance.
3. The testimony by the applicant's representatives is found on p.8-9. On behalf of the developer, Mark Hunzeker agreed with the conditions of approval as set forth in the staff report; however, he clarified the improvements which the developer has agreed to make as set forth on p.8.
4. There was also testimony in support by the President of the Ashley Heights Homeowners Association; however, Mr. Nichols did express concern about the speeding traffic on W. Huntington between N.W. 46th and N.W. 48th Streets and the need for a traffic signal at N.W. 48th and W. Huntington (p.9)
5. There was testimony by Craig Ochsner on behalf of the Ashley Heights townhome residents in support of the development; however, they would request that the access points be removed from W. Huntington to avoid additional noise and traffic (p.9).
6. The applicant's response to the issues raised during the testimony is found on p.10, indicating that access to N.W. 48th Street may have already been relinquished by the developer as part of the original plat.
7. On March 16, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated February 15, 2005. The conditions of approval are found on p.5-6.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 21, 2005

REVIEWED BY: _____

DATE: March 21, 2005

REFERENCE NUMBER: FS\CC\2005\UP.04003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 2, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #04003, Ashley Heights

PROPOSAL: To develop 93,500 square feet of commercial floor area in an existing B-2, Planned Neighborhood Business District.

LOCATION: Generally located north of W. Huntington Avenue and east of NW 48th Street.

WAIVER REQUEST:

Side yard setbacks

Front yard setback

Allow free standing signs for pad sites to be more than 30' from the building

To allow lots that do not front upon a public street or private roadway

Preliminary Plat process

LAND AREA: 15.5 acres, more or less.

CONCLUSION: With conditions, the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:

Conditional Approval

Waivers:

Side yard setbacks

Approval

Front yard setback

Approval

Allow free standing signs for pad sites to be more than 30' from the building

Approval

To allow lots that do not front upon public streets or private roadways

Approval

Preliminary Plat process

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: B-2, Planned Neighborhood Business District.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	H-4, Highway Commercial District
	Sunhusker Foods	I-2, Industrial Park District
	Undeveloped	I-1, Industrial
South:	Residential	R-3, Residential
East:	Agricultural	AG, Agricultural

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Comprehensive Plan indicates this area as commercial.

Page F17 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Page F46-47 - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space.

Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington.

These centers typically serve the neighborhood level. It is anticipated that there will be one neighborhood center per one square mile of urban use. For areas of less than one square mile, the maximum size of the center will be reduced proportionally.

Neighborhood Centers are not sited in advance on the land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use.

Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative.

Page F87 - Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs.

Page F91 - This area is shown as an unbuilt/approved pedestrian activity center.

Page F91 - Activity Corridors and Centers - These areas tend to be located along arterials, particularly where two major arterials might intersect. These locations often have strip commercial or "L" shaped neighborhood shopping centers. Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

HISTORY: On, **April 16, 2001**, City Council approved Comprehensive Plan Amendment #94-52 which showed this area as commercial and residential.

On **April 16, 2001**, City Council approved Annexation #00001, Change of Zone #3248, Special Permit #1833 and Preliminary Plat #00005. This changed the zone from I-2, Industrial to H-4, General Commercial, B-2, Planned Neighborhood Business District, and R-3, Residential for 295 dwelling units.

On **October 8, 1984**, City Council approved Change of Zone #2123, which changed the zoning of 0.34 acres of land on the southeast corner of NW 48th and W. Adams St. from AG Agricultural to I-2 Industrial Park.

On **July 2, 1984**, City Council approved Change of Zone #2106, which changed the zoning on 151 acres at the southeast corner of NW 48th and W. Adams from AG Agricultural to I-2 Industrial Park. This request by the Chamber of Commerce was associated with Comprehensive Plan Amendment #27.

The property was converted from A-A Rural and Public Use to AG Agricultural in the **1979** zoning update.

UTILITIES: Available to the site.

TOPOGRAPHY: Sloping gently to the northeast.

TRAFFIC ANALYSIS: NW 48th Street is currently a paved two-lane rural roadway. The Comprehensive Plan classifies NW 48th Street as a Minor to Principle Arterial to have four through lanes and left turn lanes. These improvements are not currently identified in the Capital Improvements Program.

W. Huntington Avenue is a collector street with 80' right of way. This road was originally designed to provide collector access to the commercial center and into the residential district.

Additional internal sidewalks should be added, as further explained in the analysis portion of this report.

PUBLIC SERVICE: The nearest fire station is #11 in Arnold Heights
 The nearest public school is Arnold Elementary School
 The nearest public library is the Arnold Heights Library

REGIONAL ISSUES: This neighborhood commercial center will provide desired commercial uses for the general area.

ENVIRONMENTAL CONCERNS: The eastern portion of the use permit indicates a drive access along the residential lots. This drive should not be located so close to the existing residential lots. This drive should be eliminated from the site plan. Other sufficient accesses are available within the site and the drive does not provide additional benefit, but rather will be a noise nuisance to neighbors.

ANALYSIS:

1. This is a request to obtain a use permit for 93,500 square feet of commercial floor area within an existing B-2 district.
2. The applicant requests to waive internal side yard setbacks. This is an acceptable waiver so that the internal parking lots may be continuous and is a typical situation in planned neighborhood business centers.
3. The request to reduce the front yard setback so that the parking lot driving aisle may encroach into the front yard setback is acceptable provided that additional screening is provided in those locations. Those locations which encroach should provide a 90% landscape screen from 2'-4' height along the entire perimeter of the encroachment.
4. The applicant requests to waive the requirement that signs be located within 30' of the pad site building. This is acceptable to Planning Staff provided a more specific sign envelope is indicated on the site plan. Presently the site plan indicates a 15' wide easement strip along the entire frontage of NW 48th Street frontage. This is not acceptable. Signs in this area will be limited to a few select signs so that the entire frontage is not cluttered with signs.
5. The Comprehensive Plan indicates commercial in this area.
6. Additional internal pedestrian walks should be provided to provide access to and from the site along both sides of all driveways and within the site as indicated on the attached drawing. This area is shown as a pedestrian center in the Comprehensive Plan.
7. The Lincoln Lancaster County Health Department made one advisory comment which is attached.
8. The Parks Department indicated several revisions in their attached memo.
9. The Public Works and Utilities Department indicated several revisions in their attached memo.
10. The site plan and building site should be revised to be more pedestrian oriented. All the buildings are surrounded by parking lots and driveways. Planning staff has discussed this with the developers to improve pedestrian access to the buildings and reduce the encroachments into the front yard along Huntington Avenue.
11. The parking lot for the market can be redesigned parallel to the right of way and the setback could be adjusted if necessary.

CONDITIONS:**Site Specific:**

1. This approval permits 93,500 square feet of commercial floor area with waivers of the preliminary plat process; to internal side yard setbacks; front yard setbacks along W. Huntington Avenue; separation between on-premises ground sign and pad site building; and to allow lots that do not front upon public streets or private roadways.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies showing the following revisions and the plans are acceptable:
 - 2.1.1 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land location within the Airport Environs Noise District.
 - 2.1.2 Show pedestrian walks to the satisfaction of the Planning Department.
 - 2.1.3 Remove the drive on the south side of the building on Lot 6 and reduce the encroachment of the drive way in the front yard setback of Lot 4.
 - 2.1.4 Make revisions to the satisfaction of the Public Works and Utilities Department memo dated February 15, 2005.
 - 2.1.5 Utility easements as requested by the Lincoln Electric System memo dated October 19, 2004.
 - 2.1.6 Revisions to the satisfaction of the Parks Department memo dated October 19, 2004.
 - 2.2 The construction plans shall comply with the approved plans.
 - 2.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: February 15, 2005

**APPLICANT:
& CONTACT** Derrick Rademacher, Olsson Associates
1111 Lincoln Mall
(402)474-6311

OWNER: Muff-Stettinger, LLC
825 M Street, Suite 105
Lincoln, NE 68508

USE PERMIT NO. 04003

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: Marvin disclosed that he attended the Arnold Heights neighborhood meeting last night and the e-mail received from the Arnold Heights Neighborhood Association explains what was disclosed at the meeting having to do with sidewalks and movability.

The Clerk announced that the applicant is requesting a two-week deferral.

Ray Hill of Planning staff submitted a letter from the Arnold Heights Neighborhood Association in support of the project; however, the neighborhood association would like to see the quality of the development be better and more pedestrian friendly. They would be interested in seeing N.W. 48th and W. Huntington signalized.

Hill also submitted an e-mail from I. Parker in support of commercial development in this area.

Carlson moved deferral, with continued public hearing and action on March 16, 2005, seconded by Carroll and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 16, 2005

Members present: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker appeared on behalf of **M&S Construction**, and presented this proposal for a neighborhood shopping center at NW 48th and W. Huntington. Hunzeker had no objections to the conditions of approval, but wanted to confirm for the record the improvements that the developer intends to make at the intersection of N.W. 48th and W. Huntington. It is the developer's understanding that they will include a temporary traffic signal at the corner of N.W. 48th and Huntington, and widen or taper N.W. 48th Street sufficiently to provide left-turn and right-turn access

into the site at Huntington. The developer has also been requested to modify the location of the entrance in order to provide at least 200 ' of stacking for left turns both outbound and inbound for the site.

Marvin inquired about sidewalks. Hunzeker indicated that the developer has made some modifications to the site plan in response to the concerns of Planning and Public Works, and there are going to be sidewalks, definitely along Huntington, and internal sidewalks.

2. Darrick Rademacher of Olsson Associates further explained the sidewalks. They have agreed to put in two sidewalks to provide a better pedestrian access as one of the conditions of approval. They will widen the median on the east and west entrances enough to provide a 4' wide sidewalk at least up to presumably what will be a grocery user; however, nothing has been formalized.

3. Todd Nichols, 2440 N.W. 41st Street, in Ashley Heights, testified in support as President of the Ashley Heights Homeowners Association. However, one concern is the corridor of W. Huntington between N.W. 48th and N.W. 46th. It is a rather wide Street and there is a small speeding problem out there now. The Ashley Heights Homeowners Association is hopeful that they can work with the city to find some way to control the speeding in that area. Another concern is the intersection of N.W. 48th and W. Huntington when it comes to a traffic signal. N.W. 48th Street acts as a barrier to anyone that wants to go across N.W. 48th Street. There is wonderful sidewalk access all through the Ashley Heights neighborhood, but there is no way to cross N.W. 48th and there are no sidewalks that go down N.W. 48th Street.

3. Craig Ochsner, 4610 W. Ashley Avenue, submitted a list of names of people who live in the townhome association and two letters in support; however, he requested that the access points be removed from W. Huntington and placed in a location where residents of Ashley Heights will not be affected by the excess noise and traffic. These residents already experience the noise from air traffic and the heavy traffic from N.W. 48th. The Air National Guard does jet engine testing over Ashley Heights. Allowing two access points on W. Huntington will result in added noise pollution from delivery trucks and semi's parking on W. Huntington waiting to unload. All of the bedrooms in the Ashley Heights townhomes face W. Huntington. Besides traffic, there is local traffic, traffic from surrounding neighborhoods and traffic from small local towns northwest and north of Lincoln. He has heard that access points on N.W. 48th will cause too much congestion, but he would submit that the same will happen on W. Huntington. N.W. 48th would provide more turning movements.

Staff questions

Dennis Bartels of Public Works stated that N.W. 48th is proposed to be a four lane divided roadway. In the interim, Public Works believes that turn lanes and the temporary signal are needed.

With regard to access off of N.W. 48th, Bartels stated that the long term plan for N.W. 48th is a four lane divided roadway. With that amount of traffic, the access to 48th will become a right-in right-out driveway which would not facilitate a commercial development. This commercial use was shown from day one in the Ashley Heights development. The only access that was left in that development

was Huntington Avenue. There are two driveways shown on Huntington. Bartels believes this size of development could probably be served by one driveway, but Public Works did not object to the two that are shown. The traffic could be moved further from the townhouses if the access were moved as far west as feasible.

Response

As far as the access on W. Huntington, Hunzeker reiterated that this area has been shown as commercial since Ashley Heights was originally platted. He believes that the developer has already relinquished access to N.W. 48th as part of the plat. Access to N.W. 48th would be problematic. It would be difficult to place an access to even have a left turn into this site from N.W. 48th because of the stacking that would be on the north leg of the N.W. 48th intersection.

Hunzeker also suggested that it is no secret that they want to put a grocery store in this shopping center. Trucks that serve grocery stores are generally fairly large, but a grocery store of this size will not have a lot of deliveries. The trucks need to be able to travel in a counter-clockwise motion so they do need the second access to serve the grocery store.

ACTION BY PLANNING COMMISSION:

March 16, 2005

Larson moved to approve the staff recommendation of conditional approval, seconded by Carlson and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



2002 aerial

Use Permit # 04003 NW 48th & W. Huntington Ave.

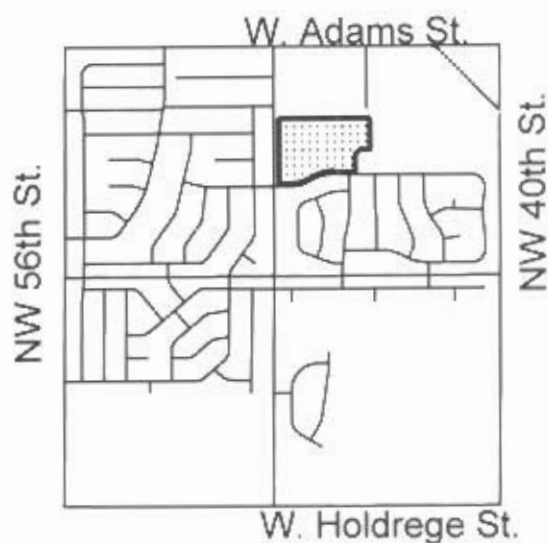
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 18 T10N R6E



Zoning Jurisdiction Lines
City Limit Jurisdiction



COMMERCIAL CENTER

PERMIT #xxx

OCT

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 1, BLOCK 11, ASHLEY HEIGHTS ADDITION LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY NEBRASKA, SAID TRACT CONTAINS A CALCULATED AREA OF 670,615.84 SQUARE FEET, OR 15.40 ACRES MORE OR LESS.

LINCOLN CITY/LAP
PLANNING D

ENGINEER & PREPARER

OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE. 68501
PHONE: 474-6311

OWNER/DEVELOPER

MUFF-STETTINGER, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY.
825 M STREET
LINCOLN, NE 68508
(402) 477-3515

UTS 30. Mg. Eng. S

UTS Distrib. Eng. M

UTS Eng. Graph

GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 12" RESPECTIVELY, PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. PUBLIC SIDEWALKS SHALL BE 4' WIDE. SIDEWALKS SHALL BE CONSTRUCTED ON THE NORTH SIDE OF HUNTINGTON AVENUE.
5. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. ALL ELEVATIONS ARE TO NAVD 1988.
8. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS
9. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS USE PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
10. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
11. ORNAMENTAL LIGHTING SHALL COMPLY WITH L.E.S. STANDARDS.

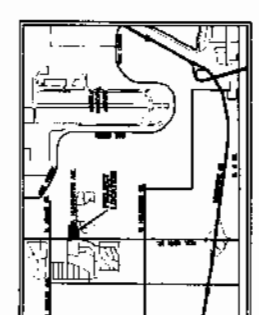
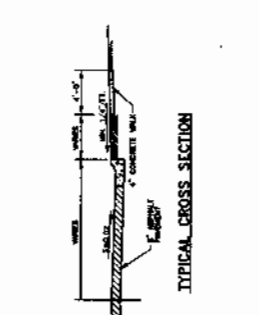
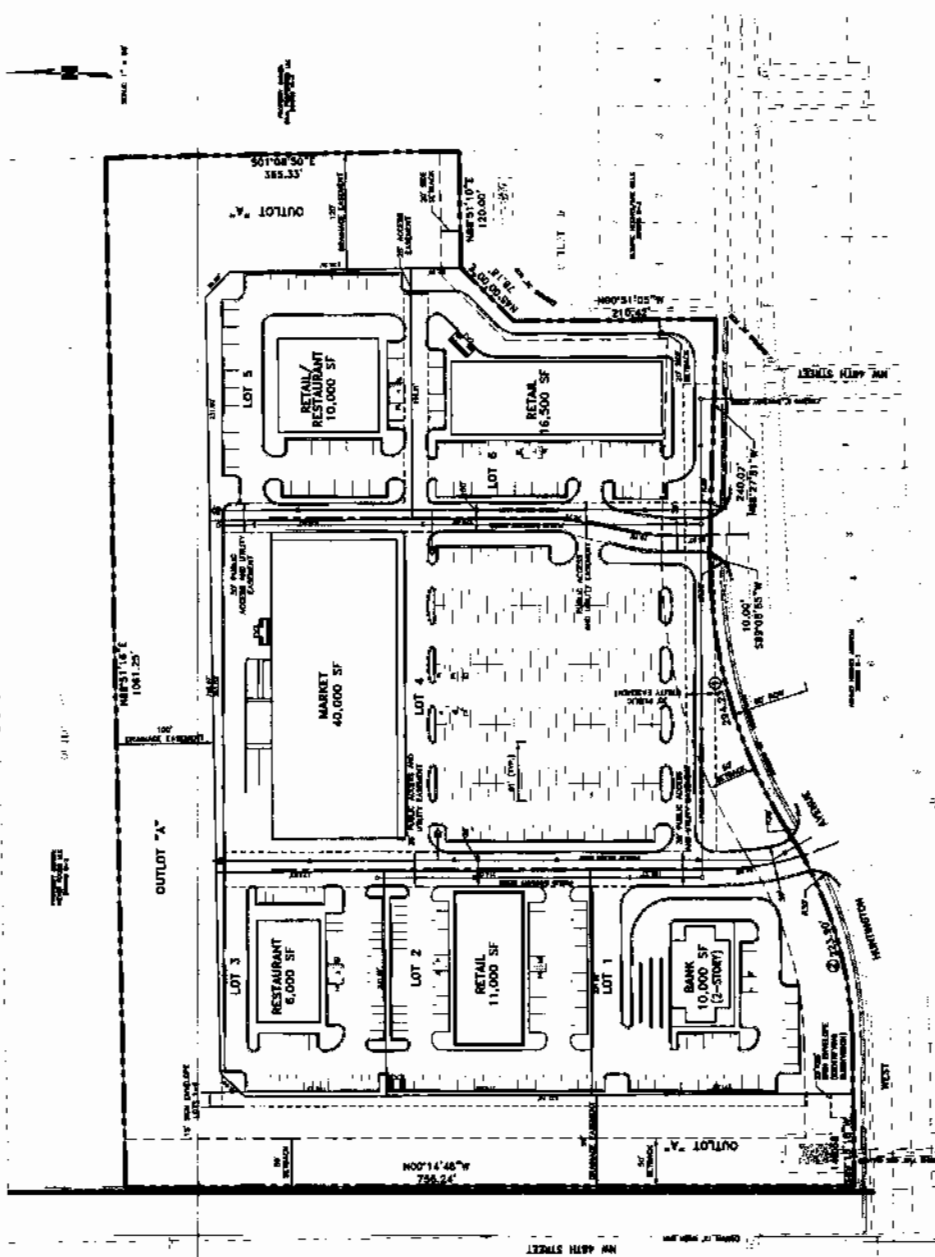
ASHLEY HEIGHTS COMMERCIAL CENTER

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OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

6 October 2004

Mr. Marvin Krout
Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Ashley Heights Commercial Center
Generic Use Permit
OA Project No. 2004-0978

Dear Marvin:

Enclosed find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan.
2. 9 copies of the Drainage and Grading Plan.
3. 1 copy of the Use Permit Application.
4. \$740 Submittal Fee.
5. 1 copy of the Ownership Certificate.

We are requesting a Generic Use Permit on behalf of the Owner and Developer:

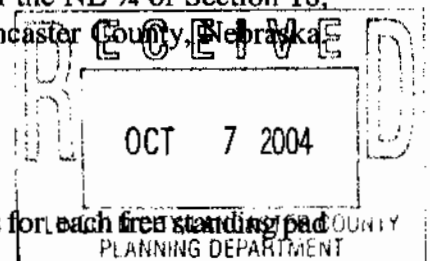
Muff-Stettinger, LLC
Paul Muff
825 M St.
Lincoln NE 68508
Phone: (402) 474-6311

Muff-Stettinger, LLC
Phillip Stettinger
825 M St.
Lincoln NE 68508
Phone: (402) 474-6311

The Use Permit is located in Lot 1, Block 11, located in the NW 1/4 of the NE 1/4 of Section 18, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska. This area has an existing zoning of B-2.

We are requesting the following waivers:

1. A waiver to the sign ordinance requiring on-premise ground signs for each free standing pad sites to be located within thirty feet of the pad site.
2. A waiver of the internal side yard setbacks to 0' of lots 1 thru 6, block 1.
3. To wave the requirement to submit a preliminary plat.
4. A waiver to allow the parking lots to encroach the external front yard setback.



Mr. Marvin Krout
Page Two
6 October 2004

If you require further information or have any questions, please call.

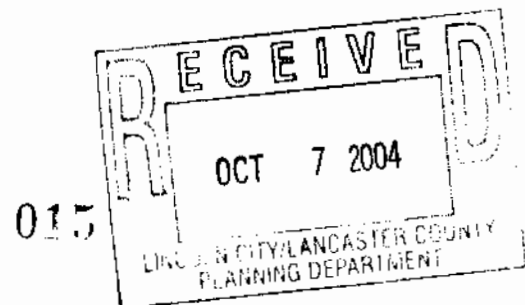
Sincerely,



Darrick Rademacher

cc: Paul Muff
Phillip Stettinger

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3 February 2005

OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

Becky Horner
Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Ashley Heights Commercial Center
Generic Use Permit
OA Project No. 2004-0978

Dear Becky:

Please note that we have increased the restaurant square-footage from 5,015 to 6,000sq.ft. in Lot 3 of the Ashley Heights Commercial Center Use Permit. Please incorporate this change into the planning commission review of this project.

Enclosed find the following documents:

1. 25 copies of the Site Plan.
2. 10 copies of the Drainage and Grading Plan.

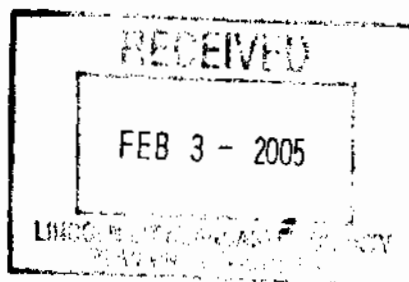
If you require further information or have any questions, please call.

Sincerely,

Darrick Rademacher

cc: Paul Muff
Phillip Stettinger

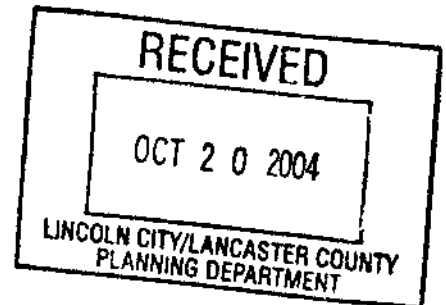
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INTER-DEPARTMENT COMMUNICATION



DATE: October 19, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS - Use Permit #04003
DN# 25N-47W



Attached is the Site Plan for Ashley Heights Commercial Center.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement over Outlot "A". Also, please include "utility" in the Access Easement, as noted.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

Memo

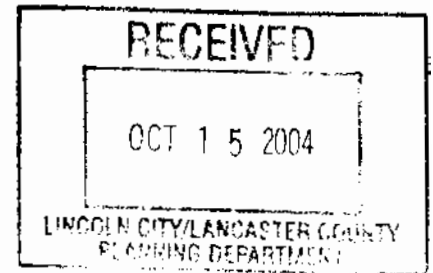


To: Becky Horner, Planning Department
From: Mark Canney, Parks & Recreation
Date: October 19, 2004
Re: Ashley Heights Commercial Center 04003

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Provide connection to the Commuter Trail easement that runs through outlot C.
2. All outlot areas to be maintained by the developer and/or homeowners association.
3. Designated Street Trees are as follows:
West Huntington Avenue – Artistocrat Pears
N.W. 48th Street – Marshall Seedless Ash
4. Street trees on N.W. 48th Street shall be located on private property or in the right-of-way according to the typical cross section for a 100' or 120' right-of-way.
5. Street trees on West Huntington Avenue shall be located 5' back-of-walk and 4' from the sidewalk. Street tree planting locations to be marked out by City Forester.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



October 14, 2004

Ms. Becky Horner, Project Planner
Lincoln/Lancaster County Planning
555 South 10th
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE
Use Permit 04003
Ashley Heights Commercial Center

Ms. Horner:

After reviewing the proposed use permit we have the following comments:

This area is within the Airport Environs Noise District and subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement and Covenant Agreement as a condition of approval for this permit. Please have the developer contact our attorney, Michael R. Johnson, at 420-1211, for the appropriate easement.

This area is also within a Turning Zone, as defined in Chapter 27.59. Any structures proposed in this area over 75' in height will require a height permit review, per the requirements of the chapter.

If you have any comments or questions, please give me a call.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

cc: Mike Johnson, w/enclosures

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Ashley Heights Commercial Center Use Permit #04003
Date:	2/15/05
cc:	Randy Hoskins

Engineering Services has reviewed the use permit for Ashley Heights Commercial Center, located at the northwest corner of NW 48th Street and Huntington Avenue, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) The sanitary as shown does not meet design standards for public sanitary sewers. If the sanitary sewer system is to be public, the sanitary sewer needs to be shown along a public or private street at 3.5' outside the back of curb.

Water Mains - The following comments need to be addressed.

(2.1) The water system as shown does not meet design standards for public water mains. If the water system is to be public, the water mains are required to be shown along a public or private street at 3.5' outside the back of curb. If the water system is to remain in the locations shown, it needs to be labeled as private and a water meter building will need to be shown to the satisfaction of the Water Department.

Grading/Drainage - The following comments need to be addressed.

(3.1) Detention for this area was provided for with the Ashley Heights preliminary plat in the form of a large detention cell located to the east of this plat. This plat drains to an existing ditch that in turn drains to the aforementioned detention cell.

(3.2) The grading plan shows proposed grades approximately 6' higher than existing grades at the northeast corner of the plat. The appropriate grading needs to be shown or any required retaining walls need to be shown and labeled on the grading plan.

Streets - The following comments need to be addressed.

(4.1) There are no sidewalks shown on the plans and no other information provided addressing pedestrian circulation within this commercial area. Given the nature of the proposed and potential uses in this use permit, and its proximity to the residential development, pedestrian connectivity needs to be addressed.

(4.2) The roadways on either side of Lot 4 need to be labeled as private or public streets,

February 15, 2005

designed in accordance with design standards, in order to provide Lots 2,3, and 5 with frontage as per the subdivision ordinance. If the streets are to be private, a waiver of design standards for cul-de-sac geometry will need to be requested and justified, and a suitable alternative will need to be shown to the satisfaction of Public Works.

(4.3) It appears that the building and parking/drive isle layout for Lot 6 would make it difficult if not impossible for larger size delivery trucks to access the rear of the building as shown.

(4.4) The traffic study submitted indicated 200' long storage lengths for the east to north bound left turn lane in Huntington into the western most drive and the west to south bound turn lane at NW 48th and Huntington. There does not appear to be enough room between the future east curb line of NW 48th and the proposed drive location to accommodate both turn lanes. Revisions need to be made accordingly.

(4.5) The traffic study indicates numerous roadway improvements and a traffic signal in NW 48th Street associated with this plat. The improvements need to be shown on the plans and financial responsibility for the improvements and signal need to be addressed to the satisfaction of Public Works.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner **DATE:** October 11, 2004
DEPARTMENT: Planning **FROM:** Chris Schroeder
ATTENTION: **DEPARTMENT:** Health
CARBONS TO: EH File **SUBJECT:** Ashley Heights
EH Administration Commercial Center
UP #04003

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



AHNA
<arnoldheights@alltel.net>

To: plan@ci.lincoln.ne.us, RHORNER@LINCOLN.NE.GOV
cc:
Subject: Ashley Heights Commercial Plan

03/01/2005 10:38 PM
Please respond to
arnoldheights

The Arnold Heights Neighborhood Association would like to go on record as supporting the Ashley Heights Commercial Center and their request for a use permit.

Our excitement over seeing retail services finally coming to our part of Lincoln can hardly be contained, but we still expect to see a quality commercial development be placed in our backyards.

After reviewing the staff notes as provided by the planning department, we do have concerns that this be a pedestrian friendly complex. The recently adopted West Airport Subarea plan identifies an "Unbuilt Approved Pedestrian Activity Center", and we continue to strive for pedestrian access within our area. With the exception of Green Prairie Heights, not one of the last 6 developments in our area has safe pedestrian access to the public facilities of school, library, swimming pool, recreation center, nor even to the sidewalk network of the Arnold Heights neighborhood. This continues to be an important and highly prioritized need for this community and should be a vital part of any developmental plan in this area.

We realize that the community is currently seeking to strengthen the Lighting Design Standards and assume that they would be implemented by this facility assuming they are passed by our elected bodies in the near future.

We could feel better about this plan if it better identified the improvements to the intersection of NW 48th and West Huntington. Traffic safety at this intersection will be severely compromised if the intersection remains un-signalized with it's minimum turn lanes.

The Arnold Heights Neighborhood Association spent many hours working towards this goal with the passage of the Ashley Heights plats and we continue to be encouraged that our part of Lincoln will continue to grow in both residential size and in employment opportunities for the community.

Please consider passage of this plan, but please apply your expertise to assure the plan is something that we can all enjoy for many years to come.

Arnold Heights Neighborhood Association

Karen Griffin Sieber
Karen Kotschwar
Jeanette Fangmeyer
Terry Schwimmer
Jeff Schwebke

--



Rebecca D Horner
03/02/2005 10:50 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: ashley heights comm ctr

----- Forwarded by Rebecca D Horner/Notes on 03/02/2005 10:52 AM -----



JuncoNE@aol.com
03/01/2005 10:50 PM

To: rhorne@lincoln.ne.gov
cc: JuncoNE@aol.com
Subject: ashley heights comm ctr

We live in Oak Hills and I'm Disabled. In the evenings it is just too much sometimes to drive a long ways to get necessary items.

We need stores out here! We need them desperately!

Thank You,

I Parker